1.28 \ 96

G B S. IX-5]

Previous references

Misc 188 91 2614

Later references

1895-96

~~191~~ .

(Municipal)

File No. 188

Serial Nos. 5-

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 5-8

~~Part~~ to B for March, 01

SUBJECT.

Exemption from Stamp-duty on bonds executed by municipal Boards

Indexed.

W D 8d—GPB—50,000—24-7-15

Rec'd 22.12.01
7/Civ

City Municipal Office
21st December 1901.

Dear Sir

Your note of the 20th instant.

The agreement you refer to was executed on plain paper - the municipalities are exempted, from Rev & Accts says, from executing such bonds on stamped paper - But he does not know the exact authority for it - I have suggested to find out the Court order on which the statement was based. But it was not available - there is

Memo

With his letter No 602 dated 9 May 1898, the President Mysore City municipal Commission forwarded a draft deed for the loan of Rs 1 17. 2 5 5 drawn up under Sec 91 of the Mysore City Mn^l Regulation III of 1888 for the approval of Govt and enquired whether the document should be or stamped paper

Sl 35 in L. F 204 of 93.

(2) In reply the President was told, that the draft agreement was under scrutiny and would be returned with the order of

of Government on the
question of stamp
raised by the President
(Vide para 3 of Proc no 165-25-26
L.J 204-93
dy 18/6/98 (2136).

In Proc no 360-71
L.J 125-95.
dated 8 July 1896, agreements
executed by the Presidents
of the mtes for loans granted
from the Sanitary Budget
were exempted from stamp
duty. From the pencil
notes on the margin of
the original of this order,
the Secy doubted whether the
order applied to the Regulated
Municipalities of Bangalore
and Mysore Cities. When
this was pointed out, the
Secy called for the following
information on 15/8/98 (Please see at 35a. L.J 204-93)
"(1) Are there any precedents.
Put up with a copy of the
Stamp Act"
I preferred the file to
K Elloodi on 16/9/98. K Elloodi says

says that the draft was sent to the Law Copyist for issue of the draft Pro of 18/6/98 and that the file was put into records without it being sent to him. Enquiries have been made in the General and Revenue Branches, as the proper departments for deciding such questions as per order of the present 1st Councillor noted on 24/8/96 on original of Lut Pro etc 360 71 / L 3125-95 of 8 7 96. The Rev Branch referred the me to file etc L-3 262-96, which does not contain the papers. All other attempts made by me have similarly proved fruitless. I am not therefore able to say whether subsequently orders promised in Pro of 18/6/96 have been issued

~~Copy~~ From enquiry made in the City municipal office, it is ascertained that an agreement for Rs 40000 was executed by the President on a plain paper, which was accepted by the Comptroller

Please see sec 8(1) of the Stamp Regulation II of 1900,

Submitted for orders.

Dy 23/1/06

The Govt Advocate having been consulted on the point, he says that the municipality is liable to pay stamp duty amounting to Rs 807-8-0 under clause 14 & 26 of Schedule I of the Stamp Act (Regulation II of 1910 and that under sec 9 of the said Regulation, the Govt may, reduce or remit the duty

+ No 9597 - 07 31/1/01 (Ch S
L F 125 95

Submitted for orders as to whether exemptions may not be allowed as in the case of municipalities

Dy 23/2

25/2/06.

Submitted to HE

In this case the Municipality

Duty may be remitted -

27/2/07

RD 7 Mar
27/2/07.

Is it to be remitted
individually or
generally? What
is the reason.
Please let me
have all the
particulars please

28.2.07

Z 03 03

Prepare a note with a copy
of the Statute &c -

Stamp duty
stds + fwd
4p

A.S. che
org 2/3

1/3/07

2/3/07

A separate memo sent
org 8/3

Sent to Secretary's room

7/3/07

annexure query

2 free note

o et to be permitted dually or generally?

(2) The permission may be allowed generally as in the case of similar documents executed by minor rulers.

what is the provision law. Let me have the particulars please

2 Please see Govt Advocates opinion contained in his letter etc 16 20) 20/2/01

Under clauses 1 & 2 of schedule 1 Stamp Regulation II of 1900, the agreement for the loan of Rs 1.17.255- which the ellyssee Board has to execute is liable to a stamp duty of Rs 587-8-0, which the municipality has to pay under sees 2 & 3 of the said Regulation. Under sec 9 of the Regulation, the Govt have got the power to remit or remit in the whole any part of ellyssee.

Debentures same as bond 2g

Submitted

with Stamp Regn II of 1900

orders as to whether

remission may be granted

generally for all documents

executed by the Bungalow

and elsewhere-titles, as

in the case of those

executed by other Titles under

Proc cw 360.71 / L-F125-95 of 8.7.96. Dng 8/3/01

9/3/01.

Proc. & pl.

In my humble opinion,
a general exemption
in the case of lands
executed by Govt by
all the municipalities in
the State, may be ordered under Section 9 of the
Indian Registration
11/3/01

Subd to 1st Comm
11/3/01

Office
after perusal, case
bracketed for Attorney
Gen

Dear Sir,

I am directed by Secretary
to Govt. to request
you to favour him
with your opinion
on the accompanying
papers.

Yours faithfully
for Secretary to Govt.

draft put up.

I believe the bond to be executed by the Municipal Commrs. of the Hyson City is still in draft. If it has already been executed, then we shall have to ~~give~~ take the proposed exemption retrospective effect.

19-3-01

Subject to 2nd C.V.
21-3-01

The L.B Branch Dept. has not been [illegible]

If that bond has already been executed it may either be already executed as a fresh bond in substitution of it called for. Then the Commrs. will require the proposed exemption retrospective.

22/3/01

Vide d(a) 7 & 9 which allows retrospective remissions.
23/3/01

The draft app? by the 2nd C.V. is transferred to the Financial Dept., to which this [illegible]

EARLY.

G. R. S. 25]

GENERAL AND REVENUE SECRETARIAT.

~~Diary No.~~ 3l. This / 2241-17

..Financial Branch

ROUTINE NOTES (NOT TO BE PRINTED)

Date of Receipt....21-8-17....

Report under the five days' rule

* A spare copy of the letter, etc., if in print, should be attached

Subject*

Exemption of Stamp duty on debenture bonds issued by Local boards and Municipals

1. Brief explanation of delay in submission.

I was engaged in maintaining the file and suspend Registers of the S. R. Section and completing the notes in cases that have been disposed of besides doing a fairly large amount of case work, as may be seen by a kind reference to my diary. I could not therefore attend to this file. I request that I may given a week's time to trace previous references in this case carefully before submitting the same with notes for orders.

2. Further explanation of cause of delay in submission.

Subd. 3 days time may be given.

25-8-17

GP 6—1,000—8.7.17

Submitted to the Registrar

27.8.17

File No.

Serial No.

SUS. REGR. No. [redacted] 17

SHALL a Reminder issue to

The H. A. Resident
Pol. 276

for a reply to this Office No. ^ , dated the

14-9-17

Subject.

Requests to be informed whether debentures or other marketable securities issued by Local or Munl. Boards in Madras Presy are exempt from Stamp duty.

REMINDERS.

No.	Date	

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Kolar - Chickballapur -
Shimoga to Ayanur & Riboppet -

Debenture Loans have been raised by the District Boards of Kolar, Shimoga, under Govt guarantee of interest for the railway in the Districts. The Chitaldrug Dt Bd have been authorized to ~~loan~~ raise a loan of 9 lakhs under the same conditions. In the case of the loans of Shimoga & Chitaldrug the prospectus was approved by Govt and the draft bond in the case of Kolar & Shimoga loans were approved by Govt -

In the case of Bangalore - Chickballapur railway the loan was raised by a private Company & the local bodies had no concern in the matter

~~In the~~ In none of the cases in which Loans were raised by the Dt Bds was the question of Stamp duty raised

In the case of Kolar & Shimoga loans the bonds have been issued payment of Stamp ?

Rs 12

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

W.D. 91—(P.P.—60,000—20.4.15)

A Separate note is subd

KO
19-12-16

D. F. N.:

Local and municipal Boards have at present to pay stamp duty on documents to which they are parties. But, under Sec. 8 of the Stamp Regulation these Boards are allowed the concession of paying a composition of stamp duty of one-half per cent in the case of debenture bonds or other securities issued by them. In connection with the floating of the Chitaldrug water supply Loan the question of exempting these Local Boards, altogether from payment of stamp duty on debenture bonds or other securities issued by them was taken into consideration. At present it is only the Palace, the Govt. and Co-operative Societies that are exempted from payment of stamp duty. If Local and municipal Boards are to be granted the concession referred to above, Govt. have to remit the duty in virtue of the power vested in them under Sec. 9 of the Stamp Regulation. I am not in favour of granting the concession. The question was discussed in Council, and the

Practice in British India with regard to ascertainment and collection of the Chief Secretary to the Government of India is as follows:

It is desirable that in the case of debentures and other marketable securities issued by local bodies or municipalities in which no reduction or remission of stamp duty has been made under S. 9 of the Stamp Act in respect of debentures of the same

Council is of opinion that there is no reason to exempt such debentures in future. The resolution of the Council may be approved.

25/2

G.R.S. III—3]

1299

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

In the case of Debentures Sanctioned by Govt the form of bonds were submitted by Deputy Commissioners and approved by Govt in Consultation with either the Financial Deptt or the Government Advocate or both.

On all these occasions the question of Stamp duty was not raised at all either by the local bodies concerned or the Government Advocate or by the Stamp Commissioner. The question is for the first time raised now by the Dy Comm Chittagong Dt—

K.D.
19.12.16

Typed copy is put up

K.D.
21.12.16

Nagar Dt bd Debentures. Flag O

Jaar Dt bd Debentures. Vide Flag N

Saldanha water Supply. Flag L

NB—Should routine notes be written on small slips, the notes must be copied on slips printed on this form

WD 81 CPP—[illegible] 20—

Draft Final Note.

In connection with the floating of the Chitaldrug water supply Loan -- the question of exempting ~~those~~ Local Boards and Municipal Councils from payment of stamp duty on Debenture -- bonds or other securities issued by them was taken into consideration. At present only the Palace, the -- Government and Co-operative Societies are exempted from payment of stamp duty. If Local Boards and Municipal Councils have to be shown any concession, Government have to remit the duty in virtue of the power vested in them under Section 9 of the stamp -- Regulation. ~~The practice~~ In British India ~~was also ascertained and from the letter of the Chief Secretary to the Government of Madras it is clear that~~ no reductions or remissions of duty have been made under section 9 of ~~the~~ stamp act in respect of debentures or other marketable securities issued by Local Boards and Municipalities in Madras. The question was discussed in Council on the 20th Instant, and the Council is of opinion that there is no reason to exempt such debentures in future. The resolution of the Council may be approved.

27-2-28

Notification No. 7519-Mk(326)-04-4 Dy
25th Feb 1905

In exercise of the powers conferred by Section 9 of the Mysore Stamp Reg II of 1900, the Govt of His Highness the Maharaja of Mysore are pleased to remit the stamp duty on documents executed by applicants for loans to build and make other improvements for houses in the Mysore city and on those executed by their Sureties under the rules published under Govt Notn No 2738-71-5 dated the 3rd November 1904

Copy of the Notn

published on page 154 part I of the Mysore Gazette dated 2nd March 1905

for orders with L 835 Transl
Came back to office by
up file Dsj 29/11/00 | 1889/95 From
5

L810

5783
10:11:00

To The President City Municipality Mysore

64.52
£1120.

Secretary to the Govt of Mysore
Genl and Rev Departts

Dated 8th
Despatched } 9th November 1900
Received

General No. 326
No.

Enclosure No. "

Solicits instruction as regards the document to be executed for the loan advanced to the Municipality.

To the Secy.
re deed in question
recently executed
requires stamp
Yes.
10/1/01.

16/1/01

a result Govt Resolve
please - Yes thereof
loan advanced by Govt

20/1/01 Dsj 21/1/01

H. Moon Dsj 21/1/01

Read & dispd Dsj 22-1-01

L 7
10 11 "

204-93 Jan 1901

Govt ltr L 9125 of 95
Dsj 16/1/01

Return 1/1
May this be sent to the Personal asst of the 1st Councillor whom Telegram L 9762 of 96 |

Central Jail Press, Bangalore.—21-9-98.—49,302.

The City Municipal

Dated Bangalore 8th November

C/No 326

From

The President, City Municipality
City Bangalore

To

The Secretary to the Government
of Mysore
General and Revenue Depatts

Sir,

I have the honor to invite your kind attention to the last para of my letter no 602 dated 9th May 1898, and to request that you will be good enough to obtain, at your earliest convenience, the approval of Government to the draft loan deed herewith submitted for instructions as to whether the document should be executed on a stamp-paper, as the Comptroller having called for the same in his no 15-20/27-231 dated 5th September 98

I have the honor to be,
Sir,
Your most obedient Servant
H Narayana Raj
for President

Received
Mysore
1887 95
6

Letter No 32698 Nov: 1900 from the Dr., Mysore City Rd Commr regarding instructions as to whether draft deed for lease should be on Stamped paper.

RJ 287

No 9597 93/1/01
L 7125-95

Min: me to Govt Advocate.

Order thereon

Copy of the letter read above together with copy of para 2 of letter No 602 dy 9 dd May 1898 will be forwarded to the Govt Advocate for opinion as to whether the deed is to be on Stamped paper. It is noted that in Pro c/o 3607/ of 8/7/96 such agreements L 7125-95

From the same
93/20/1/01 L 467

Secretary's order

For Secy
22/1/01

To the Govt Advocate
for
27-1-01.

executed by Municipalities in their Bangalore and Cspace Cities, which are governed by a special regulation, are exempt from stamp duty.

Submitted for orders as to whether this addition of the note in the concluding part of the above fee allowed & stated. 22/1/01

This may stand as it is but see hereafter the govt pro- cott- for
Recd 24/1/01
Chittaldrug

OFFICE OF THE DEWAN OF MYSORE. 9240 21.2.01

From

L 1467

The Govt. Advocate in Mysore.

To

THE SECY. TO THE GOVT OF MYSORE, GEN & REV. DEPTS.

Dated 20.2.01.

Despatched

Received

General No. 602.
No.

Enclosure No.

Subd to secy with a mo. Bn — 25/2/01

Stating his opinion on the Execution of a bond referred to in Proc. 9597 & 7125-25

References to be marked.

L to Govt —
L F.C. 9, Price of paper
mp.
Bn
23/2/01
47
1/01

OFFICE OF THE
GOVERNMENT ADVOCATE IN MYSORE.

DATED 20½ February 1921.

No. 162
En. No.

From

THE GOVERNMENT ADVOCATE
IN MYSORE.

To

THE SECRETARY TO THE GOVERNMENT OF MYSORE,
GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to the Proceedings of the Government of Mysore No 9597 L.F.125-25 dated the 31st Ultimo, I have the honor to state that the bond is to be charged with the Stamp duty amounting to Rs 587-8- under Clause 14 & 26 of Schedule I of the Stamp Act (Regulation II of 1900).

Under Section 29 of the of the said Regulation, the Municipality has to bear the Stamp duty.

Under Section 3 of the said Regulation no duty is chargeable in respect of any instrument executed by,

175

or on behalf of, or in favor of the Government in case where, but for this exemption, the Government would be liable to pay the duty chargeable in respect of such instrument. But as the Government would not be liable to pay the duty Chargeable under Section 29 of the said Regulation the Municipality has to execute the bond on a Stamped paper of the above value.

Under Section 9 of the said Regulation the Government may reduce or remit the duty

I have the honor to be
Sir,
Your most obedt Servt

Government Advocate

7667 & 26.3.01
7752

Manl.
188 of 95
8

Notfn.

In exercise of the power conferred by clause (a) of Section 9 of the Mysore Stamp Regulation, II of 1900, the Govt are pleased to remit the Stamp duty chargable in respect of bonds executed by all Municipal Boards in the State (including the Municipal Commrs of the Bangalore and Mysore Cities) in favor of Government.

&c.

11/19.3.01.

Sec G.

To The Compiler, G.O., for publication in Part-III.

The Presidt, Municl Commrs, Bgre City, with reference to his letter No. 326 dy 8th Novr. 1900.
The Commissioner, S. & Copies to Presidts of other Municipal Boards.

Subject to 2 Cr
11/3.01

Abad

dy Circulate for scrty.

7668-76 & 26.3.01
7753